IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

THE HONOURABLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION No. 29097 OF 1995

Date: 12.09.2006

BETWEEN:

A. Eshwar Reddy

…. PETITIONER

And

1. K. Rami Reddy S/o. K. Jaganth Reddy, R/o.Shankarapur Village, Shamshabad Mandal, R.R. District, and others.

…. RESPONDENTS

ORAL ORDER:

This writ petition is filed by the petitioner aggrieved by the order passed by the third respondent thereby confirming the order passed by the fourth respondent.

The petitioner filed an application before the Mandal Revenue Officer. The Mandal Revenue Officer passed an order dated 19.04.1991 directing the purchaser of the property, who was proceeding with the construction of the rice mill, not to proceed with the construction. The Revenue Divisional Officer while considering the appeal of the writ petitioner found that the appellant had filed a civil suit in O.S.No.56 of 1991 on the file of the District Munsif, Ibrahimpatnam, and also filed I.A.Nos.174, 1975 and 1276 of 1991, which are pending before the said Court. In the light of the fact that the appellant/petitioner had already approached the civil Court, the Revenue Divisional Officer vacated the stay granted on 19.08.1991 with reference to the order passed by the Mandal Revenue Officer. The Mandal Revenue Officer was also directed not to interfere with the matter, in view of the fact that the matter is already pending before the regular civil Court. On further appeal before the Joint Collector, the Joint Collector also confirmed the order having found that there is no merit warranting interference with the order passed by the Revenue Divisional Officer. Even before this Court also the petitioner

reiterated the contentions claiming that he is also one of the joint owner of the property in question. However, the second respondent illegally sold the part of the land to third party, who was proceeding with the construction of the rice mill. Therefore, sought for appropriate direction while setting aside the order of the third respondent.

The material on record clearly shows that the writ petitioner has already filed a civil suit with reference to the same subject matter of the property, and in fact even the orders passed by the revenue authorities shows that they have taken into account the filing of suit before the civil Court by the petitioner, and felt that as the matter is subjudice, they cannot proceed with or adjudicate upon the same. Therefore, the petitioner is not entitled to seek any relief, as the order passed by the revenue authorities should not in any way adverse to the writ petitioner since the petitioner has already approached the civil Court. The rights of the writ petitioner shall be subject to the out come of the said proceedings.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(S. ANANDA REDDY, J.)

12th September, 2006
Js.